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2   UNITED STATES DISTRICT COURT

3   NORTHERN DISTRICT OF CALIFORNIA

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     UNITED STATES OF AMERICA,   No. C 07-4762 PJH
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               Plaintiff,   **ORDER RE DEFENDANT'S**
9   **ADMINISTRATIVE MOTION TO**
          v.   **STAY DEPOSITIONS**
10
     CHARLES CATHCART, et al.,
11
               Defendants.
12   _____/

13   On November 19, 2008, the court referred all discovery matters in this case to

14   Magistrate Judge Spero for resolution pursuant to Civil Local Rule 72-1. On May 8, 2009,

15   Magistrate Judge Spero granted the United States' ("plaintiff") motion for leave to take five

16   additional depositions pursuant to Rule 30 of the Federal Rules of Civil Procedure. On May

17   14, 2009, defendant Charles Hsin ("Hsin") filed objections to this ruling. On May 15, 2009,

18   Hsin filed an administrative motion seeking an order staying the depositions of Randolph

19   Anderson, Timothy Scrantom, Allison Skinner and Franklin Thomason until this court rules

20   on his objections to Magistrate Judge Spero's Order. Plaintiff filed a response to Hsin's

21   administrative motion on May 18, 2009.

22   Where, as here, a Magistrate Judge's ruling addresses a non-dispositive matter, the

23   district judge "must consider timely objections and modify or set aside any part of the order

24   that is clearly erroneous or is contrary to law." Fed.R.Civ.P. 72(a); see also 28 U.S.C. §

25   636(b)(1)(A). Pursuant to Civil Local Rule 72-2, the court may not grant a motion objecting

26   to a Magistrate Judge's order without first giving the opposing party an opportunity to brief

27   the matter. See Civ. L.R. 72-2.

28   Having reviewed Magistrate Judge Spero's Order and Hsin's objections thereto, as

     well as Hsin's administrative motion and plaintiff's response thereto, the court hereby

1   GRANTS Hsin's administrative motion. Plaintiff shall not depose any person until this court

2   rules on Hsin's objections to Magistrate Judge Spero's Order. Plaintiff shall file a brief in

3   response to Hsin's objections, not to exceed five (5) pages, or a statement of non-

4   opposition, no later than May 26, 2009.

5   **IT IS SO ORDERED.**

6   Dated: May 19, 2009

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    PHYLLIS J. HAMILTON
9   United States District Judge

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